

DHHS REDUCTION-IN-FORCE PROCEDURE

Section V:	Human Resources
Title:	DHHS Central HR Division
Chapter:	Reduction-in-Force
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Purpose

The purpose of this procedure is to ensure that Reduction-in-Force (RIF) Plans and actions in the North Carolina Department of Health and Human Services (DHHS) are planned, evaluated and implemented in a fair and systematic manner.

This applies to employees in the following appointment types:

- Probationary,
- Permanent,
- Time Limited Permanent Appointment,
- Exempt Managerial,
- Exempt Policy-Making.

It is the practice of the DHHS to plan, evaluate and implement RIF Plans consistent with laws, policies, and best practices. DHHS Central HR has the responsibility to monitor and ensure compliance with the DHHS RIF Procedure process and OSHR policies; therefore, under no circumstances shall an employee be given a notice of separation due to RIF prior to receiving the appropriate approval as described in the following procedure.

The North Carolina Human Resources Act (NCHRA) General Statute 126 found at ([GS 126](#)) and the OSHR RIF Guidelines found at [OSHR Suggested RIF Guidelines](#) establish criteria for the planning, evaluation and implementation of a RIF Plan.

Definitions

Abolish Position Spreadsheet: This is an excel spreadsheet initiated by the Division/Facility HR Office and approved by the Division/Facility Budget Officer to abolish positions associated with a RIF. Once Division/Facility Budget has approved the abolishment, the spreadsheet is sent to DHHS Central HR for processing by Best Shared Services. Click on the following link to access the form: [Best Shared Services Abolish Position Spreadsheet Template](#).

Beacon Enterprise Support Team Shared Services: BEST (BEACON Enterprise Support Team) Shared Services is a support organization for employees and agency human resources and payroll personnel designed to provide human resources, benefits and payroll

administration services based on standard processes, policies and systems; to provide accurate, consistent and timely answers to human resources, benefits and payroll questions and to provide support for reporting activities and system maintenance.

Building Enterprise Access for North Carolina's Core Operation's Needs (BEACON):

Beacon is a statewide collaborative effort designed to transform the way the State does business by modernizing and standardizing key business processes in human resources, payroll, budget management, taxation, data storage and accounting.

Career State or Career Status Employee: A State employee or a local government employee who is: (1) is in a permanent position with a permanent appointment, and (2) has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5(a) (2) in a position subject to the NCHRA for the immediate twelve (12) preceding months.

Composition of Affected Workforce Spreadsheet: The Composition of Affected Workforce is an excel spreadsheet which identifies the positions, organizational units and the employee profiles involved in the RIF. The form is located at: [Composition of Affected Workforce Spreadsheet](#).

DHHS RIF Procedure: Based on OSHR RIF Procedure ([OSHR RIF Procedure](#)) and Guidelines, ([OSHR Suggested RIF Guidelines](#)) the DHHS RIF Procedure establishes factors that will be used when making RIF decisions.

Discontinued Service Retirement (DSR): State employees who are at least fifty-five (55) years of age and have at least twenty (20) years of creditable service, and who are separated due to a RIF, may be eligible for full retirement without a reduction in benefits. DSR is contingent upon available funding, support from the DHHS Secretary, approval by OSHR and OSBM. An employee may also be eligible for reduced retirement benefits if he or she is at least fifty (50) years of age and has at least twenty (20) years of creditable service. Approval of this option depends primarily on the financial ability of the State of North Carolina to fund discontinued service retirement or a reduced retirement benefit. An eligible employee may receive no more than one (1) of the following in conjunction with the RIF: DSR, a reduced retirement benefit, or severance salary continuation. Eligible employees may submit for retirement after these payments are complete.

For more information on the basis for DSR or a reduced retirement benefit request in lieu of severance pay reference N.C.G.S.126-8.5 (2008) ([NC Treasurer Discontinued Service Retirement Allowance and Severance Wages](#)).

EEO RIF Analysis Report: Analysis of the workforce by the Division/Facility HR Office to identify if there is potential adverse impact on a protected class or classes, as defined by federal anti-discrimination laws. EEO RIF Analysis Report instructions are located under the DHHS Standard Operating Procedures at [EEO RIF Analysis Report](#).

Exempt Managerial Appointment: An appointment to a position delegated with significant managerial or programmatic responsibility that is essential to the successful operation of a State department, agency, or division, so that the application of G.S. 126-35 to an employee in the position would cause undue disruption to the operations of the agency, department, institution, or division.

Exempt Policy-Making Appointment: An appointment to a position delegated with the authority to impose the final decision as to a settled course of action to be followed within a department, agency, or division, so that a loyalty to the Governor or other elected department head in their respective offices is reasonably necessary to implement the policies of their offices.

Exempt Policy-Making and Exempt Managerial Employees Mandatory Reassignment: An employee hired or reemployed effective August 21, 2013 or after has no priority reemployment or mandatory reassignment rights when he or she is removed from an exempt policy-making or exempt managerial position.

For employees hired or employed on or before August 20, 2013, GS126-5(2) mandates the requirements for either the

- Reassignment of, OR
- A one- time priority reemployment consideration for, employees removed from exempt policy-making or exempt managerial positions for reasons other than just cause.

OSHR policy for Priority Reemployment and Mandatory Reassignment for Exempt Policy-Making and Exempt Managerial Employees can be found at: [OSHR Priority Reemployment and Mandatory Reassignment for Exempt Policy-Making and Exempt Managerial Employees Procedure](#).

Office of State Budget Management: The Office of State Budget Management (OSBM) provides state-wide budgetary, management, and information services by promoting and providing effective use of public resources, consistent with state law and the objectives of the administration. OSBM has final budgetary approval for financial actions associated with a RIF plan.

Office of State Human Resources: The Office of State Human Resources (OSHR) serves as the “Center of Human Resources Expertise” for the State of North Carolina. OSHR interprets state and federal legislation regarding employment and employees; and creates policies which translate state and federal legislation in actionable procedure and procedures. OSHR provides HR counsel to DHHS Central HR.

Organizational Management Change Form: The organizational management change form is an Excel workbook which contains six spreadsheets which are completed by the Division/Facility HR Office to assist Best Shared Services in making changes to an organizational structure due to RIF. For example, it may be necessary to change the

supervisory reporting relationship or the organizational unit assignment for positions and employees. The Organizational Management Change Form can be found at [Best Shared Services Organizational Management Change Form](#).

Note: The Division/Facility HR Office is responsible for the submission and confirmation of processing of any Organizational Management Change Forms due to RIF prior to submitting the Abolishment Spreadsheet.

Performance Management System (Valuing Individual Performance): This integrated statewide system evaluates employee's accomplishments and behaviors related to goals and organizational values to achieve the organization mission and business objectives. The performance cycle is July 1 to June 30 which includes: performance planning, performance feedback and annual performance evaluation.

Permanent Appointment: An appointment to a permanently established position when the incumbent is expected to be retained in the position on a permanent basis. A permanent appointment is given when:

- The requirements of the probationary period have been satisfied, or
- A time-limited appointment extends beyond three years of continuous employment.

Eligible employees with a permanent appointment receive leave, total state service credit, retirement and health benefits, and when applicable, severance pay and priority reemployment consideration.

Priority Reemployment Consideration: An employment priority for career state employees, subject to the NCHRA, who have been officially notified in writing of a RIF. The purpose of Priority Reemployment is to enable a State employee to return to state service. The period of priority consideration is for a period up to twelve (12) months from the date of official written notification until satisfied. An eligible employee officially notified of separation due to RIF receives priority reemployment consideration. Employees in a permanent full-time position that are notified of RIF shall have priority consideration to permanent full-time and permanent part-time positions. Employees in a permanent part-time position that are notified of RIF shall have priority consideration to permanent part-time positions only if it is determined that an eligible RIF applicant and any other applicant, including a current State employee with substantially equal qualifications, then the eligible RIF applicant must receive the job offer. ([OSHR Reduction-in-Force Priority procedure](#)).

Probationary Appointment: An appointment to a permanent position but the employee is exempt from the provisions of the NCHRA only because the employee has not been continuously employed by the State for the preceding twelve (12) months in either a full time or part time permanent position.

Eligible employees with a probationary appointment earn leave, and receive total state service credit, retirement and health benefits. They are not eligible for severance pay or priority reemployment consideration.

Reduction-in-Force: The involuntary separation of a probationary, permanent, time limited, exempt managerial or exempt policy-making employee from DHHS due to a shortage of funds or work, the abolishment of positions, or other material change in the duties or organization.

RIF Plan: An established format that documents and guides DHHS Division/Facility Management and the Division/Facility HR Manager through the RIF process. Use of this form ensures that RIF plans throughout DHHS are implemented in a fair and consistent manner. The form is located at: [RIF Plan Form](#).

RIF Priority Verification List: An excel spreadsheet maintained by OSHR that details all state government and university employees who are within their one (1) year of priority reemployment consideration. Using the Priority Verification Instructions Details, the local HR Office submits the RIF List Form to DHHS Central HR. DHHS Central HR will verify the data on the submitted RIF List Form and if appropriate forward to the RIF List Form to OSHR to be added to the RIF Priority Verification List. Priority Verification Instructions; a blank RIF List Form and RIF Priority Verification list are located on the OSHR toolkit resource site for Human Resource Professionals at: [Support: RIF Resources HR Professionals](#). Note that the OSHR RIF Priority Verification List is password protected. Contact DHHS Central HR for release of the password.

Severance Pay: Severance Pay is money that an employee may receive when involuntarily separated from employment due to a RIF and does not secure another position within state government prior to the effective date of the RIF. Severance pay is subject to available funding, approval by DHHS Secretary, OSHR and OSBM. Severance pay is not guaranteed.

To be eligible for severance pay consideration, the employee must meet one of the following criteria:

- Full-time permanent employee,
- Part-time (half time or more) permanent employee,
- Time-limited employees with thirty six (36) or more months of continuous State service in a time-limited position,
- “Exempt policy-making” or “Exempt managerial” positions if the position is abolished as a result of a RIF.

The following employees are not eligible for severance pay:

- Probationary employees,
- Time-limited employees with less than thirty six (36) months of continuous State service,
- Temporary Workers
- Contractors

For more information on the severance pay calculation process reference click on the following link: [OSHR Severance Salary Continuation Procedure](#).

Substantially Equal Qualifications: When the employer cannot make a reasonable determination that the job-related qualifications held by one applicant are significantly better suited for the position than the job-related qualifications held by another applicant then it is determined that substantially equal qualifications exists. However, the priority for employees separated by RIF and the priority for employees with less than ten (10) years of service subject to the NCHRA separated from exempt policy-making or exempt managerial positions are equal.

Click on the following link for additional information concerning priority reemployment consideration: [OSHR RIF Priority Procedure](#).

Temporary Appointment: An appointment to a position for a limited term, normally not to exceed three to six months, to a permanent or temporary position. Employees with a temporary appointment do not receive leave, total state service credit, retirement credit, severance pay, or priority reemployment consideration.

Time-Limited Appointment: An appointment that has a limited duration due to either:

- A permanent position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of one year or less or,
- A time-limited position. If an employee is retained in a time-limited position beyond thirty six (36) months, the employee shall be designated as having a permanent appointment.

Employees with a time-limited appointment earn leave, and receive total state service credit, retirement and health benefits. Employees with less than thirty six (36) months of continuous employment in a time limited position are not eligible for severance pay and priority reemployment consideration.

ZSEV Calculation: The name given to the Personnel Administration report that calculates severance pay for eligible employees involuntarily separated due to RIF. The ZSEV individual calculation for each employee eligible for severance pay is part of the RIF Plan. [ZSEV Severance Pay Calculations JOB Aide](#).

Roles and Responsibilities

Manager Division/Facility Level

The Manager at the Division or Facility level (i.e. Manager) is responsible for development of the RIF Plan in collaboration with Division/Facility HR Manager and Division/Facility Budget Officer. Concurrent with or after the presentation of the official written notification of separation due to RIF to the employee, the appropriate supervisor will meet with the employee scheduled for separation the reasons for the action and the employee's rights and responsibilities under this procedure. The appropriate supervisor is responsible for ensuring that the RIF Notification Checklist for Managers is utilized for all employees separating due to notification of RIF. This checklist is located at [OSHR Managers RIF Checklist](#).

Division/ Facility HR Office

The Division/ Facility HR Office serves as the point of contact for information on the RIF Plan Process for management and for employees with questions concerning the RIF process and how they may be affected. The Division/ Facility HR Office is responsible for:

- Collaborating with Division/Facility Budget Officer to ensure that the Division/Facility Budget Office is aware of and participates in the RIF planning process,
- Consulting with DHHS Central HR to ensure compliance with OSHR and DHHS guidelines concerning RIF plan and RIF process,
- Completing of the RIF Plan and supporting documentation,
- Presenting of the RIF Plan to DHHS Central HR at least ninety (90) days prior to RIF effective date,
- Confirming receipt of signature approval for the RIF Plan by the DHHS HR Director prior to official written notification to employees,
- Supporting Division/Facility Management by collaboration on the presentation of the RIF process and the reason for the RIF to employees,
- Serving as initial subject matter expert for employees to address questions and concerns regarding RIF Employee Frequently Asked Questions,
- Processing Beacon RIF actions to request severance or DSR, this should be initiated at employee notification,
- Ensuring that the correct separation notification letters are given to appropriate employees, in person,
- Coordinating the abolishment of positions process based on RIF effective date,
- Forwarding RIF Priority Verification List to DHHS Central HR within five (5) days of employee written notification letter.

DHHS Central HR

The DHHS Central HR serves as a consultant to the Division/Facility HR Office by:

- Consulting with OSHR throughout the RIF Process,

- Collaborating with the Division/Facility HR Office concerning the development of a RIF Plan and the RIF process,
- Providing interpretation of OSHR policies and DHHS RIF Plan procedure as requested to the Division/Facility HR Office,
- Recommending revisions to the RIF Plan and supporting documents as appropriate prior to presentation to DHHS HR Director,
- Collaborating with the Division/Facility HR Office concerning placement or offers of employment prior to and after the RIF effective date,
- Confirming the abolishment of positions.

General Provisions

RIF Plan Approval Timeline

Final RIF Plans are received in DHHS Central HR Office ninety (90) days in advance of the RIF effective date. This allows for plan approval in advance of the mandatory notification letters.

Employee Notification of RIF

Employees in the following categories will receive a notice of separation due to RIF:

- Full-time permanent employees,
- Part-time (half time or more) permanent employees,
- Time-limited employees with thirty-six (36) or more months of continuous State service,
- Exempt policy-making or Exempt managerial positions as defined in G.S. 126-5(b).

Employee Notification of Separation

Based on appointment type, employees in the following categories will receive a notice of separation:

Employee Appointment	Length of Service	Notice of Separation	PA Reason Code and Definition
Probationary	Less than Twelve (12) months of continuous State service in a permanent position	ZG -Separation	20- Prior to achieving perm status employee involuntarily separated during probation at the initiation of management
Time-limited	Less than thirty six (36) months of continuous State service in a permanent time-limited position	ZG-Separation	12- Time Limited Appt. Term - end of time-limited appointment

For additional information concerning Personnel Action Separation Codes click on the following link: [PA Actions-Reasons-Definitions](#).

Employee Notification Templates

Please request from DHHS Central HR.

Priority Reemployment Consideration

To exercise priority reemployment consideration status, the RIF applicant must submit an application for employment within the posted application period via the [State of North Carolina Job Application System](#).

Severance Salary Continuation

For additional information reference OSHR Severance Salary Continuation Procedure at [OSHR Severance Salary Continuation Procedure](#).

The DHHS Process for requesting and processing severance:
[OSC Guide to Separation Pay Continuation Workflow Process](#).

Request a Severance documentation example from DHHS Central HR.

References

Forms, Policies, Templates and Links:

OSHR RIF Procedure: <http://oshr.nc.gov/policies-forms/separation/reduction-in-force-procedure>.

OSHR RIF Guidelines: <http://ncoshr.s3.amazonaws.com/s3fs-public/documents/files/Reduction%20in%20Force%20Guidelines.pdf>.

DHHS RIF Plan Form: <http://www.ncdhhs.gov/humanresources/forms>.

Severance Salary Continuation Procedure:
<http://oshr.nc.gov/policies-forms/separation/severance-salary-continuation>.

Links to statutes: <http://oshr.nc.gov/rif-statutes-and-administrative-code-provisions>.

Discontinued Service Retirement allowance general statute: [NC Treasurer Discontinued Service Retirement Allowance and Severance Wages](#).

Approval process for payment of DSR:
<https://www.nctreasurer.com/ret/Discontinued%20Service%20Retirement/TSERSDSRApprovalProcessesforPayment.pdf>.

Supervisor and Managers RIF Tools: <http://oshr.nc.gov/state-employee-resources/employee-relations/reduction-in-force/supervisors-managers>.

HR Professionals RIF Tools: <http://oshr.nc.gov/state-employee-resources/employee-relations/reduction-in-force/hr-professionals/toolkit>.

Abolish Position Request Form: [Best Shared Services Abolish Position Spreadsheet Template](#).

Organizational Management Change Form: [Best Shared Services Organizational Management Change Form](#).

RIF Notification Checklist: [OSHR Managers RIF Checklist](#).

RIF Talking Points for DHHS Managers: Request from DHHS Central HR.

Employee Frequently Asked Questions: Request from DHHS Central HR.

Sample Mandatory Notification Letters: Request from DHHS Central HR.

RIF Procedures

When a Division/ Facility Director, Program Unit Manager or Office of Budget and Analysis identifies the need or is notified of the need for a RIF due to reorganization, change in funding or legislative mandate, the following procedure is followed:

1. Division/ Facility Director/ Program Manager (Management) schedules a meeting with their Division/Facility HR Office and Division/Facility Budget Officer to discuss the need for a RIF Plan.
2. Division/ Facility HR Office notifies DHHS Central HR as consultants on the process and required documents.
3. As appropriate, management and Division/ Facility HR Office determine the appropriate time to notify employees of possible RIF.
4. Division/Facility HR Office runs relevant reports to generate the following information concerning potentially affected employees:
 - a. Type of appointment,
 - b. VIP Performance ratings (relative efficiency),
 - c. Demographic data,
 - d. Length of service.

5. Management evaluates employees to determine who is subject to RIF by using the above criteria.

Note: Neither temporary worker nor probationary employees shall be retained in classes where employees with a permanent appointment must be separated in the same or related class.

6. The Manager will complete a RIF Plan Form, in consultation with the Division/Facility HR Office.
7. Division/Facility HR Office, the respective HR Assistant Director and the Manager meet with their Division/Facility Budget Office and with the Office of Budget and Analysis to alert them to the pending RIF and to discuss the possibility of severance.
8. Management provides justification and other supporting documentation regarding the reason for the RIF. This documentation may include loss of state, federal or grant funding, contract not renewed, reduction of organizational layers, consolidation of duties, etc.
9. Division/Facility HR Office prepares the RIF packet which includes:
 - a. RIF Plan form,
 - b. Composition of Affected Workforce Spreadsheet,
 - c. Organizational Units,
 - d. Organizational Management Change form (if needed),
 - e. Documentation supporting the reason for the RIF,
 - f. Severance Pay Calculation and/or a request for Discontinued Service Retirement Calculation from the Retirement System if applicable ([Link to DSR Calculation Information](#)),
 - g. EEO RIF Analysis Report,
 - h. Abolish Position Spreadsheet.

10. These documents are sent to DHHS Central HR for review:
DHHS Central HR reviews received RIF Packet for completion and the data is entered into the DHHS RIF tracking log.
11. DHHS Central HR in conjunction with the Division/ Facility Assistant HR Director and Deputy HR Director, makes the initial decision to approve/ decline RIF Packet.
12. DHHS Central HR prepares an approval memo and submits to the DHHS HR Director for signature to give the final approval of the RIF Packet.
13. DHHS Central HR scans and emails the approved RIF Packet to the following:
 - a. Division/ Facility Director,
 - b. DHHS Deputy HR Director and HR Director,
 - c. HR Manager for Division/ Facility,
 - d. Division/ Facility HR Assistant Director,
 - e. DHHS Office of Budget and Analysis Director,
 - f. DHHS EEO Director,
 - g. Central HR Classification and Compensation Manager.
14. DHHS Central HR sends the appropriate Mandatory Notification letter or Separation Notification letter template to the Division/ Facility HR Manager or designated contact **once the RIF plan is approved.**
15. Division/ Facility HR Office prepares Mandatory Notification letters and Separation Notification letters for employees. RIF letters are only given to:
 - a. Employees with career status (full or part time),
 - b. Employees in time-limited positions where the employee has thirty-six (36) months or more of consecutive service in a time-limited position,
 - c. Exempt managerial and exempt policy-making employees.Employees who do not meet the above criteria will be issued a Separation Notification letter based on their appointment type.
16. Management hand delivers (or sends via certified mail) Mandatory Notification letters to employees. Mandatory Notification letters must be received by employees no less than thirty (30) calendar days prior to the RIF's effective date. After this step is completed the following tasks must be completed:
 - a. Division/ Facility HR Office completes the memo to request severance and/or discontinued service, as appropriate. This memo is addressed to the Secretary, through the DHHS HR Director, with copies to the respective Division/Facility Assistant HR Director for approval. If approved, the memo is scanned and sent to the Division/Facility HR Office. If declined, the Division/Facility HR Office is notified,
 - b. Division/Facility HR Office sends the RIF list form to DHHS Central HR the day of notification of employees (<http://oshr.nc.gov/state-employee-resources/employee-relations/reduction-in-force/hr-professionals/toolkit>),
 - c. DHHS Central HR sends the RIF List form to OSHR within five (5) days of employee notification for placement on the Priority Placement list.
17. Management is responsible for arranging termination of computer access, email, voicemail, etc. to coincide with the employees' separation date.
18. Division/ Facility HR Office should assist as needed with the separation process.

19. Division/ Facility HR Office contacts employee(s) and management when approval or denial for severance and/or discontinued service retirement is received from OSBM.
20. Division/ Facility HR Office communicates with DHHS Central HR when/ if a RIF subject employee is placed or employed within a state position or temporary worker position through Temp Solutions and/or when priority has been satisfied.
21. DHHS Central HR will request that OSHR remove the employee name from the Priority Placement List once the priority has been satisfied.
22. DHHS Central HR completes the DHHS RIF log to reflect actions taken.

For questions or clarification on any of the information contained in this procedure, please contact the procedure owner or designated contact point: [DHHS RIF Procedure Question](#). For general questions about department-wide policies and procedures contact the [DHHS Procedure Coordinator](#).

Procedure for abolishing a position due to a RIF Plan

The DHHS procedure for the abolishment of vacant positions due to a RIF Plan is as follows:

1. Generally Division/ Facility Director/ Program Manager (Management) or Division/ Facility Budget Office will determine there is a need for a RIF Plan which will result in the possible separation of employees and the abolishment of positions. Requests to abolish positions may also be communicated to the work location by others such as agency budget or the General Assembly.
2. Division/ Facility Budget Office follows the budget process to submit a budget revision to OSBM. Division/ Facility Budget Office works with Division/ Facility HR Office to make sure there are no staffing or BEACON issues that conflict with the position abolishment effective date. The abolishment effective date will be the effective date of the RIF Plan. Before a request to abolish the position/s due to a RIF Plan is submitted, Division/ Facility HR Office and Division/ Facility Budget Office must confirm that:
 - a. The position did not have an employee in the position on or after the effective date of the RIF Plan,
 - b. The position did not have any subordinates reporting to it on or after the effective date of the RIF Plan; and
 - c. There are no active BEACON PCRs in process on or after the effective date of the RIF Plan that do not relate to the RIF Plan process.The BEACON transaction, PO13D, Display Position, should be reviewed to confirm the above required information.
3. Once OSBM approves the abolishment request using the effective date of the RIF Plan for the abolishment request date, Division/ Facility HR Office submits an abolishment spreadsheet with the budget revision number (indicating OSBM approval) and effective date to the DHHS Central HR email inbox (recruiter@dhhs.nc.gov). The abolishment spreadsheet should indicate the RIF Plan effective date and the specific reason for the RIF Plan such as session law, change in grant funding, reorganization, etc. The abolishment spreadsheet is available from the BEST website at this link: http://www.osc.nc.gov/BEST/support/forms_om.html. The abolishment spreadsheet must be submitted to DHHS Central HR, in Excel format (Do not submit a Portable Document Format [PDF]). Division/ Facility HR Office must confirm in the email request that the vacant position is part of a RIF Plan and attach the approved RIF Plan to the email request.
4. DHHS Central HR submits abolishment spreadsheet to the Beacon Enterprise Support Team (BEST) Shared Services to abolish positions.
5. DHHS Central HR notifies Division/ Facility HR Office once BEST abolishes the positions.